

**DAWSON COUNTY BOARD OF COMMISSIONERS
VOTING SESSION MINUTES – DECEMBER 2, 2021
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
6:00 PM**

ROLL CALL: Those present were Chairman Billy Thurmond; Commissioner Sharon Fausett, District 1; Commissioner Chris Gaines, District 2; Commissioner Tim Satterfield, District 3; Commissioner Emory Dooley, District 4; County Attorney Angela Davis; County Clerk Kristen Cloud; and interested citizens of Dawson County. County Manager David Headley was not present.

OPENING PRESENTATIONS:

Proclamation Recognizing the Dawson County 3rd Grade Youth Tigers as the 2021 Mountain Football League Super Bowl Champions- Parks & Recreation Director Matt Payne

Chairman Thurmond read aloud a Proclamation Recognizing the Dawson County 3rd Grade Youth Tigers as the 2021 Mountain Football League Super Bowl Champions.

Motion passed 4-0 to approve a Proclamation Recognizing the Dawson County 3rd Grade Youth Tigers as the 2021 Mountain Football League Super Bowl Champions. Fausett/Satterfield

The team was recognized, and it presented the Board of Commissioners with its 2021 Super Bowl trophy.

Creating a Youth Program for Juveniles in Dawson County- John Cahill

Citizen John Cahill spoke about Creating a Youth Program for Troubled Juveniles in Dawson County.

INVOCATION: Chairman Thurmond

PLEDGE OF ALLEGIANCE: Chairman Thurmond

ANNOUNCEMENTS:

None

APPROVAL OF MINUTES:

Motion passed 3-1 to approve the Minutes of the Joint Meeting between the Board of Commissioners and Long Range Planning Committee held on November 17, 2021. Dooley/Fausett- Commissioner Gaines abstained

Motion passed 4-0 to approve the Minutes of the Work Session held on November 18, 2021. Gaines/Satterfield

Motion passed 4-0 to approve the Minutes of the Voting Session held on November 18, 2021. Fausett/Dooley

APPROVAL OF AGENDA:

Motion passed 4-0 to approve the agenda with the following change:

- Addition of Nos. 5 and 6 under New Business:
 - FY 2022 Legacy Link Addendum No. 1
 - Local Redistricting Plan and Resolution to Endorse Plan

Satterfield/Fausett

PUBLIC COMMENT:

None

PUBLIC HEARING:

Proposed Short-Term Rental / Bed and Breakfast Establishment Ordinance

Chairman Thurmond opened the hearing by asking if there was anyone present who wished to be heard on a Proposed Short-Term Rental / Bed and Breakfast Establishment Ordinance.

The following spoke on a Proposed Short-Term Rental / Bed and Breakfast Establishment Ordinance:

- Barbara Smart, Dawsonville, Georgia, said she represents the Country Place neighborhood, “a small community right behind Chestatee.” She said, “The reason I’m here is because, this summer, a house sold two houses down from me and they turned it into a vacation-rental-by-owner. We had trouble all summer long with the people that were renting, and it did disturb not only ourselves but our neighbors.” She mentioned several items that could be added to the proposed ordinance to “strengthen it,” including requiring an annual permit versus a three-year permit, requiring a “certain amount of acreage for an Airbnb to be placed on,” restrictions on the use of foul language and restrictions on the number of boats that can be put at a dock. Smart also mentioned adding a seven-day rental requirement.
- Dale Smart, Dawsonville, Georgia, said parking is a concern “when these houses are rented for a weekend. It is a lot of people there, and there’s limited parking at all the houses there and so they end up parking on the street.” Smart said this creates an emergency access problem. Additionally, he said, “people who come to the lake and are not lake-dwellers or lake/boat people are dangerous. They don’t understand what they need to do when docking a boat. ... We’re scared for our community, of course - hurting the value of our community - but we’re also scared for health concerns and safety concerns.”
- Frankie Elliott, 400 North Association of Realtors, Atlanta, Georgia, noted “several issues or concerns some of our members have,” and requested action on the proposed ordinance be postponed until January 2022. “Overall, the ordinance is fairly balanced, in our opinion, in terms of what’s required, but there are a few things that may have unintended consequences and also just cleaning up some language to make sure the ordinance can be [enforced] by the county and also make it easier for property owners to comply with what’s required.” She said some of her group’s concerns could be worked through “Section 30-501, the Definitions Section.” Elliott said, “Under the definition of what determines a short-term rental, there’s a minimum night’s stay of two nights. We would prefer there not be a minimum requirement.” She added, “Also under that same definition section, when you look at the term for ‘short-term rental agent’ or ‘bed and

breakfast agent,' there is a term used 'shall be legally responsible.' Several of our members are very concerned about what that means and we'd like some clarification." Elliott detailed several other areas of concern to include the application for permit information and process, occupancy, and parking requirements.

- Sue Wells, Dawsonville, Georgia, said and she is a member of the 400 North Association of Realtors and said she disagreed with the previous speaker, Frankie Elliott. She said she is opposed to one- or two-day rentals. "We live in a neighborhood right outside Chestatee. All the Chestatee functions have to be ended by 10 p.m. because of the noise ordinance for the Chestatee people. I think 10 p.m. is just more than reasonable - be it a weekend, holiday or any other time. We do have children and families, and we really need to be concerned about that." Wells said a three-day, or five-day or more, minimum "could take care of most of these problems. A one-day rental just opens it up to come in and party down and walk away, and I don't think that's the way to go at all." She added, "The biggest thing with being on the lake is most lake properties are septic and the occupancy is determined by the septic and how much the septic property can use, so that's a big thing to consider in most of this."
- Bob Littell said he represents Big Canoe. "We have 2,700, almost 2,800, homes now," said Littell. "We have a public service crew in our neighborhood that we can call when there are disturbances, but our concern was the enforcement since our public service has no way to actually arrest anyone and we have no right to carry a weapon, but I am just thrilled with the ordinance as it is drafted. There's no such thing as a perfect ordinance, but we think that, once again, by reporting disturbances, there is provision in the ordinance for multiple disturbances to actually have that person denied a permit on renewal. So, I commend you on the ordinance, and we're comfortable and will work with it in any way we can..."
- Scott Whelchel, Cumming, Georgia, said he is the governmental affairs chair for the Georgia Association of Realtors and represents all 55,000 members across the state. "Short-term rentals [have] been at the top of the list of things we discuss on a weekly basis with our lobbyist, January through April, when the legislators are in sessions. We worked diligently with Forsyth County to hash out all of their concerns, so what I ask is that you postpone this until January so we can meet with staff, meet with you guys, maybe individually, and work some of these issues out. A lot of this involves personal property rights, and there's a lot going on down at the Capitol that we're working on..."
- Christine Torre, Dawsonville, Georgia, said, "I would just ask my Dawson County neighbors to not judge all short-term rental owners by your experience. If I had that experience, I would be horrified. I'm a short-term rental owner, and we don't allow parties." Torre expressed questions concerning the permit application notices to neighbors, transparency of complaints, parking, and campers and RVs at a rental property. "We have an RV pad on our property. We put an RV pad there. We put an RV hook-up, power, water, septic so that we could live in the RV on the property and supervise construction, which actually worked out really well. We have an RV pad, so when our family from out of state comes to visit us, they hook their RV up and stay on our property for a few days. Under [a section of the proposed ordinance] it seems to me that that would not be allowed. We've never charged or rented out the RV pad. It's just

something that we make available to family.” She added, “As residents of Dawson County, I really appreciate what you’re doing to protect our investment, but I think there’s some unanswered questions and I’d be happy to talk with other residents and try to work things out because, like I said, not all short-term rental experiences are like what they’ve had in their neighborhood and I don’t blame them for being upset.”

- Holly Barrett, Dawsonville, Georgia, said she is a realtor and a short-term rental owner. “We have two in Hot Springs, Arkansas, and one in Chattanooga and we would like to, in the future, develop one here in Dawsonville. We actually just bought some land here.” She said there is a “housing affordability crisis going on. Another side of this is having a short-term rental really helps, especially younger people who want to get in on property ownership, offset the mortgage cost.” She said she opposes a minimum stay requirement and that any such requirement should be left up to a rental property’s owner. She voiced concerns on the “registered agent” terminology and also requested action on the proposed ordinance be postponed until January 2022.
- George Walker, Cumming, Georgia, said he is a short-term rental owner in Dawson County. He said most of his renters are in town for “weddings, for the venues that you have in Dawson County. They’re coming to go shopping at the outlet mall. They’re coming for the tourism, the wineries that are in the area and to attend churches in the area, and they’re visiting relatives.” He added, “I’m strictly against partying of any kind and, if I suspect any of my guests are going to be partying, I don’t allow them to stay and I’ve rejected many a one-night stay for that very reason.” Walker said, “My issues with the ordinance are the ‘not less than two nights’ and the number of parking.”
- Susan Puhr, Dawsonville, Georgia, said, “Of the realtors that have come up here, I wonder how many of them have an Airbnb or a VRBO right next to their house? A lot of it is about them making money. For us, this is our daily lives. This is about us having to deal with something just because we live on the lake. I think that I would certainly be against one- or two-night rentals. I just really feel that there’s got to be a balance. I understand that people should be allowed to be able to rent their houses, but I do think that there needs to be restrictions.”

Chairman Thurmond asked if there was anyone else present who wished to speak on a Proposed Short-Term Rental / Bed and Breakfast Establishment Ordinance and, hearing none, closed the hearing.

Motion passed 4-0 to table a Proposed Short-Term Rental / Bed and Breakfast Establishment Ordinance until December 16, 2021. Gaines/Dooley

UNFINISHED BUSINESS:

Consideration of Request to Update Tax Commissioner’s Resolutions (Tabled from the November 18, 2021, Voting Session)

Motion passed 4-0 to approve a Request to Update Tax Commissioner’s Resolutions. Gaines/Satterfield

NEW BUSINESS:

Consideration of Proposed “Butterfly Oasis @ River Park” Project

Motion passed 4-0 to approve a Proposed “Butterfly Oasis @ River Park” Project by the Rotary Club of Dawson County. Fausett/Dooley

Consideration of Board Appointment:

- **Long Range Planning Committee**
 - Steve Pawlik- replacing Tim Costley

Motion passed 4-0 to approve the appointment of Steve Pawlik to the Long Range Planning Committee. Gaines/Satterfield

Consideration of a Resolution Concerning Memorandum of Understanding for Opioid Litigation Settlement

Motion passed 4-0 to approve a Resolution Concerning Memorandum of Understanding for Opioid Litigation Settlement and to appoint County Manager David Headley as the duly-appointed representative of the county for the purposes of agreeing to be bound by the memorandum of understanding and participating in the settlement(s). Satterfield/Fausett

Ratification of Amendment to FY 2022 Budget

Motion passed 4-0 to approve an amendment to the FY 2022 Budget – an addition to a contingency fund for the county manager and funds for a full-time Tax Commissioner’s clerk position – all funds in the amount of \$57,339,342 – an increase from the all-funds amount of \$57,281,168 approved on November 18, 2021. Fausett/Dooley

Consideration of FY 2022 Legacy Link Addendum No. 1

Motion passed 4-0 to approve the FY 2022 Legacy Link Addendum No. 1. Satterfield/Gaines

Consideration of Local Redistricting Plan and Resolution to Endorse Plan

Motion passed 4-0 to approve a Local Redistricting Plan/Map and a Resolution to Endorse the Plan/Map. Gaines/Fausett

PUBLIC COMMENT:

None

ADJOURNMENT:

APPROVE:

ATTEST:

Billy Thurmond, Chairman

Kristen Cloud, County Clerk